

III. REMARKS

1. Claims 1-22 remain in the application. Claims 1, 12 and 19 have been amended.

2. Applicants wish to express their appreciation for the courtesies extended by the Examiner during the telephone conversation of 4 October, 2005.

3. Claims 1-4, 9, and 19-22 are patentable over the combination of Phillips (US 6,078,792) and Ford et al. (US 5,625,688, "Ford").

The combination of Phillips and Ford fails to disclose or suggest that the top shell and the bottom shell are mated in a direction along a length of the telephone circuitry from a top end with a speaker to a bottom end with a microphone, at a parting line perpendicular to the mating direction and arranged such that a circumference and surface area to be sealed between the top and bottom shell is minimized, as recited by claims 1 and 19.

Applicants respectfully submit that neither Phillips nor Ford disclose or suggest housing shells that mate in this manner.

At least for these reasons, Applicants submit that independent claims 1 and 19, and dependent claims 2-4, 9, and 20-22 are patentable over the combination of Phillips and Ford.

4. Claim 5 is patentable over the combination of Phillips and Ford in view of Nothnagel et al. (US 4,397,035 "Nothnagel").

Claim 5 depends from claim 1. Nothnagel, like Phillips and Ford, fails to disclose that the top shell and the bottom shell are mated in a direction along a length of the telephone

circuitry from a top end with a speaker to a bottom end with a microphone, at a parting line perpendicular to the mating direction and arranged such that a circumference and surface area to be sealed between the top and bottom shell is minimized.

In addition, Nothnagel also shows a housing that mates along the longest possible perimeter, which results in maximizing the distance and surface area to be sealed, as opposed to minimizing a circumference and surface area to be sealed between the top and bottom shell.

Therefore the combination of Phillips, Ford, and Nothnagel does not render claim 5 obvious.

5. Claims 6-8, and 10 are patentable over the combination of Phillips and Ford in view of Curtis et al. (US 6,594,472 "Curtis").

Claims 6-8, and 10 depend from claim 1. Applicants respectfully submit that Curtis, like the other references, discloses mating in a direction from front 58 to back 60 and does not disclose or suggest a mating action along a length of the telephone circuitry from a top end with a speaker to a bottom end with a microphone, as claimed in the present application.

Curtis also shows a housing that mates along the longest possible perimeter, maximizing the distance and surface area to be sealed, as opposed to minimizing these features.

Thus, the combination of Phillips, Ford, and Curtis fails to disclose or suggest all the features of claim and for these reasons, claims 6-8, and 10 are patentable over the combination of Phillips, Ford, and Curtis.

6. Claim 11 is patentable over the combination of Phillips, and Ford in view of Carlson et al. (US 5,241,592 "Carlson").

Claim 11 depends from claim 1. Carlson fails to supply the features missing from the combination of Phillips, Ford, and Curtis, that the top shell and the bottom shell are mated in a direction along a length of the telephone circuitry from a top end with a speaker to a bottom end with a microphone.

Therefore, claim 11 is patentable over the combination of Phillips, Ford, Curtis, and Carlson.

7. Claims 12-17 are patentable over the combination of Phillips, Nothnagel, Curtis, and Ford.

The combination of Phillips, Nothnagel, Curtis, and Ford fails to disclose that the first shell and the second shell are disconnectable by a mobile communication device user along a length of the telephone circuitry from a top end with a speaker to a bottom end with a microphone, at a parting line perpendicular to a disconnecting direction and arranged such that a circumference and surface area to be sealed between the first and second shell is minimized, as recited by claim 12.

As shown and described, the top and bottom shells of the present invention disconnect in a direction toward the top end 62 of telephone circuitry 25 within the housing having a speaker 43 and the bottom end 64 of telephone circuitry 25 having a microphone 48, respectively.

Applicants respectfully submit that neither Phillips, Nothnagel, Curtis, nor Ford show housing shells that disconnect in this manner, and therefore, independent claim 12 and dependent claims

13-17 are patentable over the combination of Phillips, Nothnagel, and Curtis.

8. Claim 18 is patentable over the combination of Phillips, Nothnagel, Curtis, and Ford in view of Carlson.

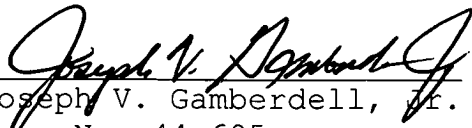
Claim 18 depends from claim 12. There is no disclosure in Carlson related to the features missing from the combination of Phillips, Nothnagel, Curtis, and Ford, that is, that the first shell and the second shell are disconnectable by a mobile communication device user toward a top end of telephone circuitry having a speaker and the bottom end of telephone circuitry having a microphone, respectively, at a parting line perpendicular to a disconnecting direction and arranged such that a circumference and surface area to be sealed between the first and second shell is minimized.

Therefore, claim 18 is patentable over the combination of Phillips, Nothnagel, Curtis, Ford, and Carlson.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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21 October 2005
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